



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,986	07/03/2003	Jarmo Kuusinen	915-007.34	4362
4955 7590 07/17/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER HASHEM, LISA	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,986	<b>Applicant(s)</b> KUUSINEN ET AL.	
	<b>Examiner</b> Lisa Hashem	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 includes the limitation 'said received voice data and said received background noise information' which contradicts the limitation 'data packets include either voice data or background noise information'. Both received data and information can not be mixed if only one of the received data and information is received.

Claim 10 discloses the limitation 'mixed voice data and/or background noise information'. It is not clear if both data and information is mixed or if one out of the two data packets are mixed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,628,767 by Wellner.

Regarding claim 1, Wellner discloses a method for managing a packet switched, centralized conference call between a plurality of terminals (Fig. 1: 15, 29, 27, 65) (Fig. 1; see Abstract), said method comprising at a conference call server (Fig. 1: 19, 39):  
receiving data packets from all terminals (Fig. 1: 15, 29, 27, 65) participating in said conference call, which data packets include either voice data or background noise information (e.g. other parties talking) as well as an identifier associated to the respective terminal providing said voice data or said background noise information;  
determining based on said received data packets at least one terminal currently providing voice data, if any, among said terminals participating in said conference call (col. 5, line 53 – col. 6, line 50; col. 6, line 61 – col. 7, line 6; col. 9, line 24 – col. 10, line 19);  
mixing said received voice data and said received background noise information and inserting said mixed data into new data packets together with at least one identifier associated to one of said terminals which were determined to provide currently voice data, if any, such that said at least one identifier can be distinguished from any other information included in said data

Art Unit: 2614

packets; and transmitting said new data packets to terminals participating in said conference call (col. 9, line 24 – col. 10, line 19).

Regarding claim 2, see col. 5, line 53 – col. 6, line 50; col. 6, line 61 – col. 7, line 6.

Regarding claim 3, see col. 9, line 24 – col. 10, line 19.

Regarding claim 4, see col. 9, line 24 – col. 10, line 19.

Regarding claim 5, see col. 9, line 24 – col. 10, line 19.

Regarding claim 6, see col. 9, line 24 – col. 10, line 19; Fig. 5.

Regarding claim 8, see col. 9, line 24 – col. 10, line 19.

Regarding claim 9, please see rejection to claim 1.

Regarding claim 10, Wellner discloses a terminal (Fig. 1: 15, 29, 27, 65) comprising means for participating in a centralized conference call (Fig. 1; see Abstract), said means including means for receiving data packets transmitted by a conference call server (Fig. 1: 19, 39), which data packets comprise mixed voice data (e.g. more than one person talking at once) and/or background noise information provided by terminals participating in said conference call and at least one identifier associated to a terminal that was determined in said conference call server to currently provide voice data, if any (col. 5, line 53 – col. 6, line 50; col. 6, line 61 – col. 7, line 6; col. 9, line 24 – col. 10, line 19); means for recognizing in received data packets identifiers associated to terminals that were determined in a conference call server to currently provide voice data; and means for pointing out to a user an identification of terminals (Fig. 1: 15, 29, 27, 65) providing voice data based on recognized identifiers associated to terminals that were determined in a conference call server to currently provide voice data (col. 9, line 24 – col. 10, line 19).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wellner, as applied to claim 1, in further view of U.S. Pat. No. 6,466,550 by Foster et al, hereinafter Foster.

Regarding claim 7, a method according to claim 1, wherein Wellner does not disclose said conference call is based on the Real-time Transport Protocol (RTP), wherein said data packets are RTP packets, wherein said identifiers associated to said terminals (13) are Synchronization Source (SSRC) identifiers, and wherein said identifiers are included by said conference call server (12) in said new data packets to a field provided in a packet header for a Contributing Source (CSRC) list.

Foster discloses a method for managing a packet switched, centralized conference call between a plurality of terminals (Fig. 2; see Abstract), said method comprising at a conference call server (Fig. 2: 44, 46):  
receiving data packets from all terminals participating in said conference call, which data packets include either voice data or background noise information (e.g. other parties talking) as well as an identifier associated to the respective terminal providing said voice data or said background noise information;  
determining based on said received data packets at least one terminal currently providing voice data, if any, among said terminals participating in said conference call;

Art Unit: 2614

mixing said received voice data and said received background noise information (col. 5, line 49 – col. 6, line 7; col. 9, line 56 – col. 10, line 15; col. 10, lines 27-36; col. 11, lines 8-19).

Foster further discloses said conference call is based on the Real-time Transport Protocol (RTP), wherein said data packets are RTP packets, wherein said identifiers associated to said terminals (13) are Synchronization Source (SSRC) identifiers, and wherein said identifiers are included by said conference call server (12) in said new data packets to a field provided in a packet header for a Contributing Source (CSRC) list (col. 8, line 6 – col. 7, line 67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Wellner to include a RTP protocol, SSRC identifiers, and a CSRC list as taught by Foster. One of ordinary skill in the art would have been lead to make such a modification to provide a conference call application in the Internet utilizing the RTP and the SSRC and CSRC fields in RTP packets.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

8. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh  
July 8, 2007

*Gerald Gant*  
Primary Exam.  
Art Unit 2614